

Delaware Redevelopment Authority

Meeting Minutes

Location: Buena Vista Conference Center

Date: April 23, 2007

Meeting was brought to order by the Chair, Tom McCarthy, at 10:10am. Members present included Brian Cunningham, Lynne Howard, Lt. Col. Christopher Prosser, John Casey, Larry Windley and Jeffrey Bross. Staff supporting the DRA in attendance were Keith Warren, Kate Finnerty, Rich Puffer, Janet Kilpatrick, Mark DeVore, Elio Battista and Karl Kalbacher. Members not in attendance include Jeff Dayton, General Arthur Episcopo, Representative Robert Gilligan, Representative Pamela Maier and Senator David Sokola.

Tom McCarthy began by asking all those in attendance to introduce themselves. He then noted that in the interest of time this morning, the meeting needed to move efficiently and that the meeting minutes would be posted once approved.

Kate Finnerty noted the minutes of the previous meetings were included in their packets and asked members to please take a moment to review them.

Lynne Howard made a motion for the minutes to be approved as submitted.

Janet Kilpatrick seconded the motion.

All responded in the affirmative and the meeting minutes from 11/29/06 & 11/30/06 were approved.

Tom McCarthy moved to the report of the Special Advisory Committee and began with a prepared statement as follows:

1) As you are aware, the Director of DEDO appointed an ad hoc selection committee (the "Selection Committee") charged with the responsibility of reviewing engineering/consulting proposals related to the Kirkwood Army Reserve Center (the "Reserve Center") and submitting recommendations for selection to DRA for approval. The members of the Committee consisted of Kate Finnerty of the Office of Governor Minner, Mark DeVore, Chief Engineer for the Office of Management and Budget and Tom McCarthy COO for DEDO;

2) In accordance with the State's procurement laws for professional services for engineers, 29 Del C. §§ 6981 – 6982 (a) (the "Procurement Laws"), the Selection Committee prepared and published a public notice (the "RFP") soliciting letters of interest from engineering firms for professional engineering and consulting services to assist in creating a plan for reuse of the Reserve Center;

- 3) The Selection Committee then received several proposals from various engineering and consulting firms;
- 4) Pursuant to the open meeting requirements contained in the State's FOIA law 29 Del. C. §§ 10001 - 10005, the Selection Committee then prepared and published a "Public Meeting Notice" identifying the Selection Committee and announcing that a meeting would be conducted at DEDO's offices to review the received proposals;
- 5) On April 19th an open meeting of the Selection Committee was properly convened, and minutes recorded, with all members of the Selection Committee present along with John McDaniel and Elio Battista from DOJ. To assist in its review and deliberations and to comply with the Procurement Laws, the Selection Committee prepared scoring sheets listing the criteria, along with assigned point values, to be considered in ranking the various firms who submitted proposals. Pursuant to the Procurement Laws, the criterion used in the scoring sheets was also contained in the RFP. During the meeting the Selection Committee reviewed the proposals and conducted deliberations; and
- 6) Upon conclusion of its deliberations, the Selection Committee ranked Weymouth Architects and Planners as its first choice and submits its recommendation to DRA for approval.

Tom McCarthy indicated this recommendation was ready to be presented to the full DRA membership pending any further discussion or questions.

Lynne Howard asked how many proposals were received.

Tom McCarthy indicated there were four proposals received.

Lt. Col. Chris Prosser made a motion to adopt this recommendation.

John Casey seconded this motion.

Jeffrey Bross indicated he would abstain from voting.

All responded in the affirmative.

Tom McCarthy introduced Mark DeVore of the Office of Management and Budget (OMB) to explain the next steps for the group.

Mark DeVore indicated that a letter to the selected firm would be issued. They would then proceed with negotiations and the scope of work to be performed. Once all that occurs, OMB would receive the contract, and approve it, or reject it, and move to the second ranked firm and begin the same process.

Karl Kalbacher asked if the scope of work was tied only to the building.

Mark DeVore replied that it was not, and the scope would include the site as well as any community concerns or issues.

Karl Kalbacher asked about any supposed underground storage tanks at the site.

Tom McCarthy indicated they anticipate an environmental aspect to be included as well and further noted they have no environmental study from the DoD.

Jeffrey Bross asked when they can expect to receive the study.

Kate Finnerty replied they should have received it in February initially and that the concern has been recognized for the possibility of underground storage drums and they have not received a timeline yet from Lt. Col. Paul Burnham.

Tom McCarthy then moved to the next agenda item and recalled for the group the two days of hearings that took place the prior November where presentations were given by those who submitted NOI's. He then turned again to Kate Finnerty.

Kate Finnerty noted the matrix included in everyone's packet. She further noted that the DRA received seven NOI's of which six responded to make a presentation. Kate Finnerty also went on to give a brief summary of the findings included in those presentations.

Kate Finnerty explained the requirements which must be considered in reviewing the NOI's and stressed that the Department of the Army along with HUD will have the final authority in determining the use of the property. She also noted that the Redevelopment Plan must show how the DRA considered each criteria and accounted for the homeless and surrounding community concerns.

Lynne Howard suggested communication be sent to those parties who submitted NOI's and made presentations with respect to the status of this process.

Kate Finnerty responded that she will draft a letter to each thanking them for presenting to the DRA and explaining that a decision will be made in due time.

Tom McCarthy suggested individuals may also learn the status of this project by reviewing the meeting minutes as they are posted on the web.

Kate Finnerty relayed that the Homeless Planning Council of Delaware earlier asked to resubmit a proposal. Tom McCarthy gave them one month to resubmit another proposal to the DRA, and they did not do so. No further communication has been received from the Homeless Planning Council.

Tom McCarthy moved to the "Required Next Steps".

Kate Finnerty explained that E.O. #85 requires the DRA to complete a status report to the Governor and General Assembly no later than May 1, 2007. A draft letter that would fulfill this requirement has been included in the packet and notes how the DRA has met or is meeting all Federal and State guidelines and statutes as well as the required community outreach.

Jeffrey Bross asked if a completion timeframe could be included in the letter.

Kate Finnerty mentioned the original completion date of June 8, 2007 and that the DRA may request an extension.

Tom McCarthy proposed the end of September of 2007 to be the new completion date.

Kate Finnerty noted there should be two more meetings of the full DRA to complete this process.

John Casey mentioned considering a date beyond September to ensure the DRA has sufficient time to complete its mission.

Tom McCarthy expressed his desire to set the end of September as the new date and urged the members to work diligently and push forward.

Lt. Col. Prosser asked about the status of the Funding of Sustainability of Transfer (FOST). He further noted that the DRA should be allowed 60 days following receipt of the FOST to consider final recommendations. He recommended that the extension letter

include a caveat that ties our final due date for the Redevelopment Plan to the receipt of the FOST.

Kate Finnerty noted that the extension request was drafted to include the lack of receipt of the Environmental Condition of Property (ECP) report, and the need for adequate time to follow state procurement laws.

Jeffrey Bross asked about the inclusion of both documents.

Kate Finnerty explained the federal guidelines indicate an extension may be requested if it is of benefit to the community.

Mark DeVore noted the scope of the project is not an extensive investigation and that without the environmental report, they would be proceeding blindly.

Kate Finnerty clarified the intent of the group to include the mention of an end cap or completion date in the letter since work is beginning to fall behind.

Tom McCarthy indicated the group would aim toward a date specific, but they would also note the assumptions making the date conditional.

Tom McCarthy asked if there was any new business from any members.

Kate Finnerty noted a letter received by Tom McCarthy that will be submitted for the minutes. (Hard Copy) The letter, from the Acting Deputy Assistant Secretary of the Army, indicated that “public sales, Military Construction exchanges, and, on a case-by-case basis, negotiated sales are the preferred and expected methods to obtain fair market value for BRAC 2005 Reserve Center surplus properties.”

Kate Finnerty added that in the status update letter to be sent to those who submitted NOI's, she will notify them that any entity interested in the property, consistent with the recommendations set forth in the DRA's Redevelopment Plan, will have to apply to the federal government.

Jeffrey Bross asked about the tax status of each NOI, specifically noting if any were tax exempt.

Karl Kalbacher indicated that New Castle County could locate and provide that information.

Tom McCarthy asked for any closing comments.

Janet Kilpatrick asked who will be conducting the appraisal of the property to determine the fair market value.

Kate Finnerty replied the DoD will conduct the appraisal and the final figure will not be released to the DRA. Only the purchasing party will know the appraised value of the property.

Tom McCarthy noted the next meeting is likely to be scheduled in mid July.

Lynne Howard made a motion to adjourn.

Janet Kilpatrick seconded the motion.

Tom McCarthy adjourned the meeting at 10:55am.